

FISCAL IMPACT STATEMENT ON BILL NO. **S. 333, as Amended**

(Doc. No. 001alcm.kmm.doc)

TO:	The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Rodney Grizzle and Harry Bell		
DATE:	April 2, 2007	SBD:	2007295

AUTHOR:	Senator Fair	PRIMARY CODE CITE:	56-5-2943
SUBJECT:	Alcohol Monitoring Device		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:
See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:
See Below

BILL SUMMARY:

Senate Bill 333, as amended, amends Article 23, Chapter 5, Title 56 of the Code of Laws of South Carolina, 1976, by adding Section 56-5-2943 which requires as a condition of Probation for a second offense or additional violations of Section 56-5-2930, 2933 or 2945 the court could require an individual to wear a continuous remote alcohol monitoring device. The Bill provides additional penalties that may be applied to an individual for violation of the terms of probation to include the extension of the period that the individual's license may be suspended. The Bill further requires that an individual convicted of the new offense will be responsible for cost of the monitoring device.

EXPLANATION OF IMPACT:

Department of Probation, Pardon & Parole Services

The Bill requires offenders, convicted of the offense of DUI, to bear the cost associated with wearing an alcohol monitoring device and any required monitoring fees. The Department currently performs Global Positioning System (GPS) monitoring of some offenders under a monitoring contract with an outside vendor. Under this contract monitoring devices are leased at \$12.00 per day/per offender for a continuous remote device for an annual lease cost of \$4,380 per offender. However, under this Bill there is also the possibility that an on-demand device could be used at a cost of \$3 to \$4 per day/per offender. This would equate to an annual cost of between \$1,095 and \$1,460 per offender. The Department indicates the number of individuals who may be required to wear this device is unknown. Additional staff may also be needed depending on the number of offenders to be monitored. There will be a one-time computer programming costs of \$25,000 associated with integrating the alcohol monitoring devices with the existing equipment used by the Department for the GPS system.

If the State is able to collect 100% of the fees for the cost of wearing the alcohol monitoring device from the offenders, there would be no impact on the General Fund of the State. However, it has been the Department's experience with collections from the GPS monitored offenders that approximately 35% of the total required fees are collected and the Department has had to cover the remaining 65% of the costs. Based on a 35% collection rate it is estimated that between \$712 and \$2,847 of the annual per offender cost (depending on the type of device used) would need to be covered with funds other than fee revenue.

Department of Motor Vehicles

The Department indicates this Bill will have no impact on the General Fund of the State, but will have an impact of \$20,900 on Other Funds for technology costs associated with implementation of the new requirements of the proposed legislation.

LOCAL GOVERNMENT IMPACT:

Four of the five local governments responding indicated enactment would have little or no impact on expenditures. One indicated the impact was unknown pending the number of devices the local jurisdiction may have to pay for under section (E) of the Bill.

SPECIAL NOTES:

None.

Approved by:

A handwritten signature in black ink that reads "Harry Bell". The signature is written in a cursive style with a large, looped initial "H" and a long, sweeping underline.

Harry Bell
Assistant Director, Office of State Budget